

Testimony of the Board of Nursing

**Before the
House Committee on Consumer Protection and Commerce
Wednesday, March 29, 2023
2:10 p.m.
Conference Room 329 and Videoconference**

On the following measure:

**H.R. 208, REQUESTING THE HAWAII STATE CENTER FOR NURSING TO
CONVENE A WORKING GROUP TO STUDY THE POTENTIAL IMPACTS OF THE
STATE JOINING THE MULTI-STATE NURSE LICENSURE COMPACT**

Chair Nakashima and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Nursing (Board). The Board offers comments on this measure.

The purposes of this resolution are for the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the State of joining the multi-state Nurse Licensure Compact (NLC) and to investigate the feasibility and impacts of adopting the multi-state NLC including: (1) identification of possible impacts to in- and out-migration of registered nurses, including migration related to job transfers, travel nursing, and telehealth nursing; (2) identification of any issues regarding the regulation of out-of-state registered nurses, including issues related to recouping costs arising from investigations of consumer complaints or other disciplinary actions; (3) identification of issues regarding disciplinary actions taken against a multistate-licensed nurse; (4) identification of issues regarding health care workforce research and planning efforts; (5) identification of issues regarding disparity in licensure renewal and competency requirements between states; (6) identification of impacts to jurisdiction and regulatory oversight of nurses in the State; (7) identification of any fiscal impact to the State and the State's current nursing workforce; and (8) any other matters the working group deems relevant.

The Board has concerns that a working group would not be effective to address the following concerns:

- 1) Loss of Autonomy to regulate nurses:**

When a state joins the NLC, the Board is bound by the Compact rules that are established and determined by the Interstate Commission of Nurse Licensure Compact Administrators. The Compact language cannot be amended by the State Legislature or the Board to address Hawaii's specific licensure requirements to ensure consumer protection and patient safety unless included in the Compact language. The implementation of the Compact would limit the State's autonomy to establish requirements unique to Hawaii for initial and renewal of licenses.

2) Continuing Competency:

Pursuant to Act 127, Session Laws of Hawaii 2015, the Legislature determined that the initial licensure requirements ensure the minimum competencies necessary for a newly licensed, entry-level registered or practical nurse to perform work safely and effectively. However, despite the clear benefits of this safeguard, continuing competency requirements were not currently instituted for nurse licensure renewal applications in the State and that in today's health care environment, knowledge of latest developments in the profession is a crucial means by which nurse duties are safely and effectively fulfilled. New health care systems are emerging and redoubling the challenges of licensure boards to assure consumers that, licensed nurses shall remain competent for the duration of their practice. The legislature found the most efficient means to ensure patient safety is to require Hawaii-licensed nurses to complete continuing competency requirements prior to any application for license renewal, restoration, or reinstatement. The NLC does not require completion of continuing education or continuing competency to maintain a multi-state license.

3) Enforcement:

The inability to amend the Compact language may also present issues regarding the disciplining of licenses of nurses who provide unsafe or incompetent care. Per the Compact, only the home state or the Compact

jurisdiction who issued the multistate license may revoke a nurse license. Although a remote state may issue a cease-and-desist order or impose an encumbrance on the nurse's authority to practice in their state, this does not necessarily affect the nurse's ability to practice in another Compact jurisdiction. Further, the Compact does not require a multistate license holder to file an application with the board or report their presence and practice to the Board. The absence of notification in any form to the Board is very concerning and could potentially endanger a patient's life without recourse for the Board to take action.

4) Patient Safety

On January 25, 2023, a news article published by the Southern District of Florida stated that more than two dozen individuals have been charged for their alleged participation in a wire fraud scheme that created an illegal licensing and employment shortcut for aspiring nurses. The defendants engaged in a scheme to sell fraudulent nursing degree diplomas and transcripts obtained from accredited Florida-based nursing schools to individuals seeking licenses and jobs as registered nurses and licensed practical nurses. The bogus diplomas and transcripts qualified purchasers to sit for the national nursing board exam and after passing it, to obtain nurse licenses in various states as RNs and LPNs. The overall scheme involved the distribution of more than 7,600 fake nursing diplomas. The Florida Board of Nursing is part of the NLC, that means that nurses licensed in Florida under a multi-state license, will be able to practice in Hawaii if we join the NLC; jeopardizing patient safety if the individuals were one of the 7,600 who applied and received a nursing license in Florida or any other of the NLC states.

The DCCA has submitted and supports alternative legislation (S.B. 63) to address out-of-state nurses to be issued a temporary permit with streamlined requirements to further address and ensure safe nursing practice by these individuals.

Testimony of the Board of Nursing

H.R. 208

Page 4 of 4

The measure would address enforcement concerns and offer a timelier option for nurses to practice in the State.

Thank you for the opportunity to testify on this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808 543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Consumer Protection and Commerce

Testimony by
Hawaii Government Employees Association

March 29, 2023

H.R. 208 — RELATING TO NURSES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.R. 208 which request the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the State of joining the Multi -State Nurse Licensure Compact.

During the COVID-19 pandemic, nurses across our State fought diligently to stop the spread of an infectious disease, they are one of Hawaii's unsung heroes. As written, this resolution would encourage state leaders, across different disciplines, industries, and sectors, to continue the conversation about allowing Hawaii to become the 40th State in adopting a Multi-State Nurse Licensure program. We appreciate the inclusion of being a part of this conversation.

Thank you for the opportunity to provide testimony in support of H.R. 208.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira
Executive Director



March 29, 2023

To: Chair Nakashima, Vice Chair Sayama, and Members of the House Committee on Consumer Protection and Commerce

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: March 29, 2023; 2:10 p.m., Conference Room 329/Videoconference

Re: Testimony providing comments on HCR 204/HR 208 – Requesting the Hawaii State Center for Nursing to convene a working group to study the potential impacts of the state of joining the multi-state nurse licensure compact

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to provide comments on HCR 204 and HR 208. HAHP is a statewide partnership that unifies Hawaii's health plans to improve the health of Hawaii's communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP believes convening a working group to study the feasibility and impact of the State participating in the Nurse Licensure Compact is an important step towards expanding our current health care workforce to make it easier for our residents to access health care services. We appreciate the opportunity to be included in this discussion.

Thank you for the opportunity to testify on HCR 204 and HR 208.

Sincerely,

HAHP Public Policy Committee
cc: HAHP Board Members

GRASSROOT INSTITUTE OF HAWAII

March 29, 2023

2:10 p.m.

Conference Room 329

VIA VIDEOCONFERENCE

To: House Committee on Consumer Protection & Commerce

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: HCR204/HR208— REQUESTING THE HAWAII STATE CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE POTENTIAL IMPACTS TO THE STATE OF JOINING THE MULTI-STATE NURSE LICENSURE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [HCR204/HR208](#), which requests that the Hawaii State Center for Nursing convene a working group to study the potential impact of Hawaii joining the Nurse Licensure Compact.

It is well established that Hawaii is suffering from a shortage of vital healthcare workers, especially nurses. A 2021 [report](#) from the Hawaii State Center for Nursing estimated that the state has 300 to 400 fewer nurses than needed to meet demand.¹

Since 2021, we have seen [research](#) indicating that nearly one-fourth of Hawaii's nurses have been considering leaving the workforce, largely due to the stresses caused by the pandemic.²

¹ Carrie M. Oliveira, Ph.D., "[2021 Hawai'i Nursing Workforce Supply: Statewide Report](#)," Hawai'i State Center for Nursing, 2021.

² Holly B. Fontenot, Ph.D., et al., "[Impact of the COVID-19 Pandemic on the Hawai'i Nursing Workforce: A Cross-sectional Survey](#)," Hawaii Journal of Health and Social Welfare, May 2022.

As we discuss in a new policy brief [“How changing Hawaii’s licensing laws could improve healthcare access,”](#) licensing compacts are one reform that might make it easier for Hawaii to attract and retain healthcare professionals.³

The report states: “Joining multiple interstate compacts could be the simplest route to address the difficulties medical professionals face in moving to Hawaii. Most important, the compact approach has support from within the medical community.”

Currently, 38 states have joined the [Nurse Licensure Compact](#), and the compact commission is able to assist state regulators in the implementation phase.

We hope that the working group will examine the costs and benefits of joining the compact and that the Legislature might consider it again next session.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns,
Grassroot Institute of Hawaii

³ Malia Hill, [“How changing Hawaii’s licensing laws could improve healthcare access,”](#) Grassroot Institute of Hawaii, February 2023, p. .



March 29, 2023

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

Re: HCR 204 / HR 208 – Nurse Licensure Compact

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide testimony in support of HCR204 and HR208, which are requesting the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the state of joining the multi-state Nurse Licensure Compact.

HMSA strongly believes in strengthening access to quality health care services in the state of Hawaii. While we recognize that compacts are not a silver bullet to addressing the health care workforce shortage, participation in a compact would allow our health care facilities to employ nurses licensed in other states would increase access, particularly in rural and underserved communities where the need is greatest.

Convening a working group to study the feasibility and impact of the State adopting the Nurse Licensure Compact, would be beneficial to continuing this important conversation. We want Hawaii to be able to make informed decisions on how to expand and support our current health care workforce to make it easier for our residents to access health care in the place they're located at the time when they need it.

Thank you for the opportunity to testify in support of HCR 204 and HR 208.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations

HR-208

Submitted on: 3/25/2023 8:09:12 AM
Testimony for CPC on 3/29/2023 2:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Scharnhorst	Individual	Support	Written Testimony Only

Comments:

Thank you committee for taking up this impactful issue. Either way we choose will effect nursing in Hawaii and it must be considered carefully.

HR-208

Submitted on: 3/24/2023 11:21:09 AM
Testimony for CPC on 3/29/2023 2:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this resolution.

Mahalo nui,

Cards Pintor

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

HR-208

Submitted on: 3/28/2023 4:51:19 PM
Testimony for CPC on 3/29/2023 2:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Bishop	Individual	Support	Written Testimony Only

Comments:

I support this measure as it is written to allow the State Center for Nursing to study the feasibility of having a nurse compact in the state of Hawaii. We are in a unique situation because we do not border any other state, which is what the compact license was created for. This must be studied very closely to decide if this works for our state due to the isolated features of our locality.